



6/19/03

CONFERENCE COMMITTEE

SB 293 (Bishop)

This bill would require the director of the Department of State Police to allow any governmental public safety agency to utilize the Michigan Public Safety Communications System (MPSCS), including attaching public safety communications equipment to current towers. The Conference Report removed language added by the House stating: “local governmental public safety agency equipment placed on towers constructed under this act must be interoperable with the Michigan public safety communications system.”

The Administration still opposes this bill arguing that it is unnecessary since the Governor issued an Executive Directive (No. 2003-12) that allows local law enforcement to use MPSCS towers.

- The Senate adopted the Conference Report on SB 293 [RC 278: 25 yes, 12 no]. Immediate Effect was not given to the bill [RC 279: 25 yes, 10 no]. Sen. SCHAUER spoke against adoption of the Conference Report: This issue was settled by the Governor’s Executive Order. This is a “solution looking for a problem.”

MESSAGES FROM THE HOUSE

SB 22 (Johnson)

The bills would allow continued insurance coverage for the working disabled. This legislation would permit disabled workers on Medicaid to preserve their Medicaid health coverage while earning a living and accumulating assets that can enhance living arrangements, job opportunities, or future retirement. This bill would be revenue neutral to the state’s budget.

Support: Michigan Department of Community Health, MI Job Coalition, Michigan Association of Centers for Independent Living, Michigan Advocacy Project, the ARC of Michigan, Michigan State Medical Society and the Department of Community Health.

- The Senate concurred with the House changes to SB 22 [RC 266: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 461 (Cropsey)

Currently, there are 10 counties in Michigan that have part-time probate judges – they are: Alcona, Baraga, Benzie, Iron, Keweenaw, Missaukee, Montmorency, Ontonagon, Oscoda, and Presque Isle. Senate Bill 461 would allow these counties to increase the pay of their part-time probate judges.

- The Senate concurred with the House changes to the bill [RC 267: 37 yes, 0 no]. Immediate Effect was given to the bill.

BUDGETS

HB 4393 (Shulman)

Department of Environmental Quality budget.

The Senate-version of the budget (S-1) restores much of the budget to the Executive recommendation level except for two programs – NPDES and the Groundwater Discharge Program. The Chair funded NDPEs at the current year level - \$3,098,000 in fees and \$1,601,900 from GF - instead of the Executive's recommended \$7.2 million. The Chair funded Groundwater at the current year level with permit fees which is \$2.2 million less than the Executive recommendation.

- Committee 1 (S-1) was adopted [no RC].
- Brown/Patterson 1A was withdrawn [no RC]. This adds language to require the Department to try to identify the sources by originating state/province and general characterization of out-of-state waste.
- Sanborn 1B was adopted [no RC]. This provides \$1.7 million in water quality grants (\$1 million for quality monitoring, \$700,000 for dredging).
- Patterson 1C was defeated [no RC]. This provides \$100 “placeholder” for Milleville beach dredging.
- Patterson 1D was withdrawn [no RC]. DEQ priority on landfill inspections on those that accept out-of-state waste.
- Patterson 1E was defeated [no RC]. This provides \$100 for Grassy island cleanups.
- Patterson 1F was defeated [no RC]. \$335,000 for the Fish hatchery Park cleanup.
- Patterson 1G was adopted [no RC]. This requires a report on proposal 2 – Great Lakes water quality bond.
- McManus/CHERRY 1H was adopted [no RC]. This clarifies groundwater changes in SB 560.
- McManus/CHERRY 1I was adopted [no RC]. This clarifies NPDES changes in revenues.
- McManus/Birkholz 1J was adopted [no RC]. NPDES reporting requirement.
- Patterson 1K was adopted [no RC]. DEQ priority on landfill inspections to those that accept out-of-state waste.
- Van Woerkom 1L was adopted [no RC]. Ruddiman Creek cleanup from Great Lakes Legacy Act.

- Brown/Patterson 1M was adopted [no RC]. Language to have DEQ identify the sources of out-of-state waste.
- HB 4393 was moved to 3rd Reading.
- HB 4393 passed [RC 272: 36 yes, 0 no]. Immediate Effect was not given to the bill.

HB 4400 (Shulman)

Department of Natural Resources budget

The Senate-version (S-1) of the budget returns to the Executive recommendation on many points but differs on Payment in Lieu of Taxes (PILT) – state payments to local communities for state-owned land. The Senate version provides for more money to be sent to local communities for these payments.

- Committee 1 (S-1) was adopted [no RC].
- Patterson 1A was adopted [no RC]. This would prevent leasing for farms on state land in certain conditions.
- Patterson 1B was defeated [no RC]. This provides \$20,000 for the Bennett arboretum.
- George 1C was adopted [no RC]. This requires DNR to work with HAL on waterways trails.
- George 1D was withdrawn [no RC]. This provides \$10,000 in funding for waterways trails pilot project.
- HB 4400 was moved to 3rd Reading.
- HB 4400 passed [RC 271: 38 yes, 0 no]. Immediate Effect was not given to the bill.

FINAL PASSAGE

SB 393 (Kuipers)

Senate Bill 393 raises the cap on the number of charter schools in Michigan. The bill increases the cap by 30 schools a year for 10 years and allows an additional 5 high schools per year for 10 years. The bill does not put Bay Mills Community College under the university cap. It allows Wayne Community College to issue charters in the Detroit Public School District.

The Senate Fiscal Agency estimates that if 30 schools opened per year, the cost for the first year would be \$28 million, second year \$56 million and then an additional \$17 million per year through 2013.

- Committee 1 (S-1) was adopted [no RC].
- Van Woerkom 1A was adopted [no RC].
- Cropsey 1B was adopted [no RC].
- Cropsey 1C was withdrawn.
- Toy 1D was adopted [no RC].
- Cropsey 1E was adopted [no RC].
- Thomas 1F was defeated [RC: yes, no].
- SB 393 was moved to 3rd Reading.
- SB 393 passed [RC 281: 21 yes, 16 no (Dems)].

SBs 512-3 (Toy)

Senate Bill 512 would prohibit a person from selling, providing, or agreeing to provide merchandise” or funeral or “cemetery services” pursuant to a “prepaid contract” unless that person was registered with the Department of Consumer and Industry Services (DCIS). Currently, a person may not sell, provide, or agree to provide

funeral goods or funeral services pursuant to a prepaid funeral contract unless the person is registered with (DCIS) and has received a certificate of registration.

- Jelinek 1 was withdrawn.
- Jelinek 2 was withdrawn.
- Jelinek 3 was withdrawn.
- Jelinek/JACOBS 4 was adopted [no RC]. Compromise: Refund only if deceased's body was lost.
- SB 512 passed [RC 268: 36 yes, 0 no].

Senate Bill 513 would require the Cemetery Commissioner to: 1) inspect cemetery facilities and grounds at least every three years, and allow him or her to charge up to \$1,000 for an inspection. 2) Increase from \$100 to \$1,000 the maximum amount the State may charge a cemetery for audits and inspections of books. 3) Expand the circumstances under which the Cemetery Commissioner may take disciplinary action against a registrant or applicant, and allow the Commissioner to impose an administrative fine of up to \$5,000 for each violation of state law.

Support: Michigan Funeral Directors Association, Mt. Elliot Cemetery Assn., Detroit Free Press Editorial (6-4-03)

Opposed: Michigan Cemetery Association.

- SB 513 passed [RC 269: 37 yes, 0 no].

SB 574 (LELAND)

The bill would allow the Department of Natural Resources to administer the Off-Road Vehicle (ORV) Safety Education Program (currently administered by the Dept. of Education).

- Committee 1 (S-1) was adopted [no RC].
- SB 574 was moved to 3rd Reading.
- SB 574 passed [RC 273: 36 yes, 0 no].

SB 575 (EMERSON)

Senate Bill 575 would revise the revenue sharing act to provide that for 2003-04 only, local units would receive 97% of what they received in 2002-03, and would be protected from further declines in revenue.

- Committee 1 (S-1) was adopted [no RC].
- Scott 2 (S-2) was defeated [no RC]. This would protect revenue sharing in Detroit.
- SB 575 was moved to 3rd Reading.
- Prusi 1 was defeated [RC 274: 15 yes, 22 no]. This restores the bill to its original form – a 3% across-the-board cut.
- Switalski 2 was defeated [RC 275: 16 yes, 21 no]. Tie-bar to HB 4658 which would freeze the cut in the Detroit income tax rate.
- SB 575 passed [RC 276: 26 yes, 11 no].

SB 578 (Brown)

The bill would establish “American Heroes Week” in the state, and encourage academic institutions to educate children about local heroes and role models. American Heroes Week would be the calendar week in which September 11 fell each year.

- SB 578 passed [RC 270: 38 yes, 0 no].

SB 589 (EMERSON)

Senate Bill 589 sets quality assurance assessment fees for nursing homes and hospitals. The bill caps payments under the nursing home portion of the program, which are used to match federal Medicaid funds, at 6 percent of total industry revenues as required under federal law. And it requires that federal funds obtained through matching nursing home payments be used for nursing home services.

- Committee 1 (S-1) was adopted [no RC].
- SB 589 was moved to 3rd Reading.
- SB 589 passed [RC 277: 37 yes, 1 no].

THIRD READING

SB 357 (Bishop)

HB 4519 (Huizenga)

EMAIL BILLS

Senate Bill 357 is known as the “anti-spam” bill and is addressed at stopping unsolicited emails from mass “spammers,” people who send out commercial e-mails in great quantities.

SB 357 would create an electronic mail solicitation program in the Department of Consumer & Industry Services. The program would contract with a private entity to create and maintain a list of e-mail addresses who do not want to receive unsolicited commercial e-mail. To get on the list, people would have to pay a fee of up to \$5 per e-mail address; businesses could pay a single registration fee of \$150. Registration would last 3 years.

The bill would not bar e-mail solicitations from entities with personal relationship or a “preexisting business relationship” with the recipient, which essentially means any business or information interaction during the 10 years prior to the sending of the email. Violation of the act would be punishable as a misdemeanor (prison up to one year) and by a fine of \$10,000 for each email sent.

- Committee 1 (S-4) was defeated [no RC].
- Bernero 1A was withdrawn.
- Bernero 1B was withdrawn.
- Bernero 1C was withdrawn.
- Bishop 1D was withdrawn.
- Bishop 2 (S-6) was withdrawn.
- Bishop 2A “fell” when Bishop 2 (S-6) was withdrawn.
- Bernero 2B “fell” when Bishop 2 (S-6) was withdrawn.
- Bernero 2C “fell” when Bishop 2 (S-6) was withdrawn.
- Bernero 2D “fell” when Bishop 2 (S-6) was withdrawn.
- Bernero 2E “fell” when Bishop 2 (S-6) was withdrawn.
- Bishop 3 (S-7) was adopted [no RC].
- Bernero 3A was adopted [no RC].
- SB 357 was moved to 3rd Reading.

House Bill 4519 creates the unsolicited commercial e-mail protection act. The act would regulate spam by requiring that messages contain “ADV:” as the first four characters of the subject line. It would also require certain information about the sender to be in the message, including legal name, address, and return e-mail address. The sender would be required to have a way for recipients to opt out of receiving future messages.

Penalties under the act would be up to 1 year imprisonment and/or \$25,000 fine. It would also allow a civil action by a person who receives an unsolicited e-mail, the attorney general, or an e-mail service provider. Actual damages or the lesser of \$500 per e-mail or \$250,000 per day could be recovered.

Support: Verizon, DTE Energy, Michigan Manufacturers Association, Consumers Energy, Detroit Chamber of Commerce, Michigan Cable Telecommunication Assoc., Michigan Family Forum.

Oppose: Coalition Against Unsolicited Commercial E-mail (CAUCE) – This bill provides for an opt-out; they believe spam should be banned unless consumer opts-in.

- Committee 1 (S-1) was adopted [no RC].
- HB 4519 was moved to 3rd Reading.

HB 4077 (Hummel)

This bill eliminates the requirement for a state-licensed cosmetology establishment and a state-licensed electrolysis establishment, to have a supervisor on-duty who has at least one year’s experience in that profession.

- HB 4077 was moved to 3rd Reading. No amendments.

HB 4081 (Woronchak)

House Bill 4081 would amend the Housing Law by expanding the definition of “dangerous building”. This bill would expand the definition to include deterioration, neglect, abandonment or vandalism. This would make it easier for local communities to demolish such building, thus promoting neighborhood redevelopment.

- HB 4081 was moved to 3rd Reading. No amendments.

HB 4145 (LaSata)

This bill is necessary to ensure that the states across the country are working together and on the same page when dealing with juvenile offenders.

House Bill 4145 would allow Michigan to enter into the Interstate Compact for the Supervision of Juvenile Offenders. The compact would govern the travel, movement, and supervision of juveniles who are under court supervision, have run away from home, have been adjudicated but want to reside in another state, or have absconded from probation and are located in another state.

Support: The Association of Juvenile Compact Administrators, Council of State Governments, National Center for Missing and Exploited Children.

- HB 4145 was moved to 3rd Reading. No amendments.

HB 4326 (Ward)

The bill would amend the Administrative Procedures Act (APA) to change the rules regarding the publication of Michigan's Administrative Code. The APA requires the Office of Regulatory Reform (ORR) to publish the Michigan Register, the Michigan Administrative Code, and the annual supplement to the Michigan Administrative Code. Instead of requiring printed versions, the bill would require the ORR to publish these items free of charge on the ORR's website.

- HB 4326 was moved to 3rd Reading. No amendments.

HB 4408 (Bradstreet)

House Bill 4408 defines the term "peace officer" for the purposes of enforcing snowmobile regulations and laws. A peace officer would be a sheriff or deputy, a village or township marshal, an officer of the police department of any municipality, a state police officer, or the director and conservation officers of the Department and Natural Resources.

Support: MI Sheriffs Association, MI Snowmobile Association.

- Committee 1 (S-1) was adopted [no RC]. There was one amendment in Senate committee which was to assure the officer was certified if policing in his/her district.
- HB 4408 was moved to 3rd Reading.

HB 4456 (Rocca)

Requires that counties with a population greater than 750,000 and less than one million (Macomb County), have at least one of the seven members appointed by the county board of commissioners to the County Parks and Recreation Commission be an officer of the homeowners' and property owners' association that represents the largest area geographically and is located within a half-mile of the most frequently used county park.

This bill is designed to give neighborhoods adjacent to Freedom Hill Park more control over what takes place at Freedom Hill County Park. There have been problems with noise, etc. and the homeowners feel they currently have no input on resolving the problem.

- HB 4456 was moved to 3rd Reading. No amendments.